

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA and  
STATES OF THE UNITED STATES, ex rel.  
PATRICK DONOHUE,

Plaintiffs,

-against-

RICHARD CARRANZA, et al.,

Defendants.

CIVIL ACTION NO.: 20-CV-5396 (GHW)

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**RESPONSE TO PLAINTIFF-RELATOR'S OBJECTIONS TO MAGISTRATE JUDGE  
STEWART D. AARON'S REPORT AND RECOMMENDATION TO GRANT WAKE  
COUNTY PUBLIC SCHOOL DISTRICT AND CATHY QUIROZ MOORE'S MOTION  
TO DISMISS**

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*Dated: February 13, 2023*

The Defendants, Wake County Public School District and Cathy Quiroz Moore (hereinafter collectively the “Wake County Defendants”), hereby respectfully submit this response to the Plaintiff-Relator, Patrick Donohue’s (the “Plaintiff” or the “Plaintiff-Relator”), Objections to the Report and Recommendation of Magistrate Judge Stewart D. Aaron (*ECF No. 247 [Objection] and ECF No. 245 [Report and Recommendation]*).

As previously requested by Stamford Board of Education and Dr. Tamu Lucero (hereinafter the “Stamford Defendants”), and in the interest of brevity and not inundating the Court with repetitive arguments, the Wake County Defendants respectfully requests the following: That those arguments put forth by the New York City Department of Education and Richard Carranza and Meisha Porter (the “New York City Defendants”), the Board of Education of the City of Chicago and Jose M. Torres, Ph.D. (the “Chicago Defendants”) (*ECF No. 254*), and the Niagara Falls City School District and its superintendent Mark Laurie (the “Niagara Falls Defendants”) (*ECF No. 255*) also apply to the Wake County Defendants.

With this Court’s permission, the Wake County Defendants seek to adopt, as if set forth more fully herein, all arguments asserted by the New York City, Chicago, and Niagara Falls Defendants. More specifically, the Wake County Defendants submit that:

- a. the Plaintiff-Relator’s Objection simply rehashes and reargues the arguments made to Magistrate Judge Aaron;
- b. the Plaintiff-Relator has failed to point out any argument that was not considered by Magistrate Judge Aaron;
- c. the Plaintiff-Relator cannot demonstrate clear error by Magistrate Judge Aaron; and
- d. there is no basis for granting the Plaintiff-Relator leave to amend his complaint,

For these reasons, and those set forth more fully in the New York City, Chicago, and Niagara Falls Defendants’ responses, the Wake County Defendants respectfully request that the

Court review the Report and Recommendation of Magistrate Judge Aaron and find that the Plaintiff-Relator has established no valid basis to object.

Therefore, the Court should adopt Magistrate Judge Aaron's Report and Recommendation in full and dismiss this action.

Dated: February 13, 2023  
White Plains, New York

Respectfully submitted,

/s/John A. Darminio  
John A. Darminio